

Appl. No. 09/940,273

Amdt. Dated November 28, 2005

Reply to Office Action of October 17, 2005

### **REMARKS**

The following remarks are submitted in response to the Office Action mailed October 17, 2005. Claims 1-52 and 137-219 have been canceled, and claims 84-86, 88-90, and 126 have been amended. Therefore, claims 53-136 are pending. The amendments address antecedent basis issues and do not add new matter. Reconsideration, reexamination and allowance of the pending claims are respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Applicants thank the Examiner for indicating that claims 95-125 and 127-136 are allowed and claims 55-60, 62, 64-69, 72-75, 78-83, 87, and 91-94 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **OBJECTIONS TO THE SPECIFICATION**

The title is objected to. Applicants have amended the title as suggested by the Examiner. The specification is objected to for containing references to U.S. patent applications that have since issued. The specification has been amended to include the patent numbers. The specification is also objected to for containing references to U.S. applications by title only. The corresponding application numbers have been added.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claims 84-86, 88-90, and 126 are rejected for not providing sufficient antecedent basis for various terms. The claims have been amended to provide the antecedent basis. Applicants respectfully request withdrawal of the rejections.

### **DOUBLE PATENTING**

Claims 53, 54, 61, 63, and 76 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 79, and 99 of U.S. Patent No. 6,647,292. Claims 53, 61, 63, 70, 71, and 77 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21, 25, 42, 82,

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84, 95, 105, 113, 114, and 117 of U.S. Patent No. 6,721,597. Applicants do not concede the correctness of the rejections, however, in the interest of furthering prosecution, Applicants submit herewith Terminal Disclaimers to the above patents. Withdrawal of the rejections is respectfully requested.

#### REASONS FOR ALLOWANCE

Applicants believe there are additional reasons that the claims distinguish the prior art other than the reasons stated by the Examiner. Additionally, Applicants do not concede the correctness of the characterization of the prior art set forth in the statement for indication of allowable subject matter.

#### CONCLUSION


Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Gust H. Bardy et al.

By their Attorney,

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